

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

THE HOME DEPOT, INC. and HOME  
DEPOT U.S.A., INC.,

Plaintiffs,

v.

STEADFAST INSURANCE CO. and  
GREAT AMERICAN ASSURANCE CO.,

Defendants.

Civil Action No. 1:21-cv-00242-SJD

Judge Susan Dlott

**JOINT MOTION FOR  
MODIFICATION OF THE  
SCHEDULING ORDER**

Plaintiffs The Home Depot, Inc. and Home Depot U.S.A., Inc. (together, “Home Depot”) and Defendants Steadfast Insurance Co. and Great American Assurance Co. jointly request a modification to the scheduling order to set forth deadlines for the remaining summary judgment and *Daubert* briefing in this case. In support of this request, the Parties state as follows:

1. Home Depot filed its Motion for Summary Judgment on Wednesday, August 31, 2022, the date it was due under the June 29, 2022 Scheduling Order (Doc. 41).
2. Pursuant to that Order, *Daubert* motions, Defendants’ responses to Home Depot’s summary judgment motion, and Defendants’ cross-motions for summary judgment were all due 30 days later (*i.e.*, on Friday, September 30, 2022).
3. Under the current scheduling order, the Parties then had about 30 days to file responsive briefs (*i.e.*, until October 28, 2022) including: (a) Home Depot’s response to Defendants’ cross-motions for summary judgment; (b) Home Depot’s reply in support of its own summary judgment motion; and (c) Defendants’ response to Home Depot’s *Daubert* motion.

4. This Court granted the Parties an extension of time to file the documents identified in paragraph 2 above. The Parties then timely filed those documents on October 13, 2022.
5. Under the current scheduling order, the responsive briefs identified in paragraph 3 above are now due only 15 days after the briefs to which they respond were filed.
6. To address this and plan for the remaining briefing in Phase 1 of this case, the Parties have conferred and propose that the Court modify the schedule as follows:

Friday, Nov. 18: Deadline for the Defendants to respond to Home Depot's *Daubert* motion and for Home Depot to respond to the cross motions for summary judgment and serve a reply in support of Home Depot's summary judgment motion.

Friday, Dec. 16: Deadline for Home Depot to serve its *Daubert* reply and for Defendants to serve their summary judgment reply brief.

7. The Parties jointly make this request in good faith and not for purposes of delay.

For the foregoing reasons, the Parties request that the Court modify the scheduling order as described above. For the Court's convenience, the Parties have attached a proposed order attached hereto as **Exhibit 1**.

*Signatures follow on the next page.*

Respectfully submitted, this 20th day of October 2022,

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 20, 2022, the foregoing **JOINT MOTION FOR MODIFICATION OF THE SCHEDULING ORDER** was filed using the CM/ECF system, which will automatically provide notice to all counsel of record by electronic means.

/s/ Michael R. Baumrind

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